

James H. Goetz  
GOETZ, GALLIK & BALDWIN, P. C.  
35 North Grand Avenue  
P.O. Box 6580  
Bozeman, MT 59771-6580  
Ph: (406) 587-0618; Fax: (406) 587-5144  
E-mail: [jim@goetzlawfirm.com](mailto:jim@goetzlawfirm.com)

Banks Brown, *Admitted Pro Hac Vice*  
Michael J. Dillon, *Admitted Pro Hac Vice*  
MCDERMOTT WILL AND EMERY LLP  
340 Madison Avenue  
New York, NY 10017  
Ph: (212) 547-5400; Fax: (212) 547-5444  
E-mail: [bbrown@mwe.com](mailto:bbrown@mwe.com); [mdillon@mwe.com](mailto:mdillon@mwe.com)  
**Attorneys for Counterclaim Defendant Gunvor Group, Ltd.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,	)	Case No. CV 12-55-BLG-RFC
Plaintiff,	)	
vs.	)	
EASTERN MONTANA MINERALS, INC.,	)	
and MUSSELSHELL RESOURCES, LLC,	)	
Defendants and Counterclaim Plaintiffs,	)	<b><u>GUNVOR GROUP, LTD.'S MOTION TO DISMISS AMENDED COUNTERCLAIMS</u></b>
SIGNAL PEAK ENERGY, LLC;	)	
FIRSTENERGY CORP.; FIRSTENERGY	)	
VENTURES CORP.; FIRSTENERGY	)	
GENERATION CORP.; GUNVOR GROUP,	)	
LTD.; PINESDALE LLC; BOICH	)	
COMPANIES, LLC; WMB MARKETING	)	
VENTURES, LLC; GLOBAL COAL SALES	)	
GROUP, LLC; and GLOBAL MINING	)	
HOLDING COMPANY, LLC,	)	
Counterclaim Defendants.	)	

Counterclaim Defendant Gunvor Group, Ltd. ("Gunvor"), pursuant to Rule 12(b) of the Federal Rules of Civil Procedure, hereby moves this Court to dismiss Counts Four, Five, Six, and Eight with respect to Gunvor, with prejudice. In support of this Motion Gunvor relies on the accompanying Memorandum of Law and the Declaration of Jacques Raymond Erni.

Pursuant to Local Rule 7.1(c)(1), local counsel for Defendants/Counterclaim Plaintiffs has been contacted and opposes this motion.

DATED this 25<sup>th</sup> day of July, 2012.

/s/ James H. Goetz  
GOETZ, GALLIK & BALDWIN, P. C.  
**Attorney for Counterclaim Defendant  
Gunvor Group Ltd.**

**CERTIFICATE OF SERVICE**

I certify that, on July 25, 2012, a copy of the foregoing document was served on the following persons by the following means:

1-9 CM/ECF  
\_\_\_\_ Hand Delivery  
\_\_\_\_ Mail  
\_\_\_\_ Overnight Delivery Service  
\_\_\_\_ Fax  
\_\_\_\_ E-Mail

1. Ross W. McLinden, Esq.  
MOULTON BELLINGHAM PC  
27 N. 27th Street, Ste. 1900  
Billings, MT 59103  
**Attorney for Defendants and Counterclaim Plaintiffs Eastern Montana Minerals, Inc. and Musselshell Resources, LLC**
2. Christopher R. Belmonte, Esq.  
SATTERLEE STEPHENS BURKE & BURKE LLP  
230 Park Avenue  
New York, New York 10169  
**Attorney for Defendants and Counterclaim Plaintiffs Eastern Montana Minerals, Inc. and Musselshell Resources, LLC**
3. Dai Wai Chin Feman, Esq.  
SATTERLEE STEPHENS BURKE & BURKE LLP  
230 Park Avenue  
New York, New York 10169  
**Attorney for Defendants and Counterclaim Plaintiffs Eastern Montana Minerals, Inc. and Musselshell Resources, LLC**

4. A. Clifford Edwards, Esq.  
EDWARDS, FRICKLE & CULVER  
1648 Poly Drive, Suite 206  
Billings, MT 59102  
**Attorney for Plaintiff and Counterclaim Defendants Signal Peak Energy, LLC; FirstEnergy Corp.; FirstEnergy Ventures Corp.; FirstEnergy Generation Corp.; Boich Companies, LLC; WMB Marketing Ventures, LLC; Global Coal Sales Group, LLC; and Global Mining Holding Company, LLC**
5. Triel D. Culver, Esq.  
EDWARDS, FRICKLE & CULVER  
1648 Poly Drive, Suite 206  
Billings, MT 59102  
**Attorney for Plaintiff and Counterclaim Defendants Signal Peak Energy, LLC; FirstEnergy Corp.; FirstEnergy Ventures Corp.; FirstEnergy Generation Corp.; Boich Companies, LLC; WMB Marketing Ventures, LLC; Global Coal Sales Group, LLC; and Global Mining Holding Company, LLC**
6. A. Christopher Edwards, Esq.  
EDWARDS, FRICKLE & CULVER  
1648 Poly Drive, Suite 206  
Billings, MT 59102  
**Attorney for Plaintiff and Counterclaim Defendants Signal Peak Energy, LLC; FirstEnergy Corp.; FirstEnergy Ventures Corp.; FirstEnergy Generation Corp.; Boich Companies, LLC; WMB Marketing Ventures, LLC; Global Coal Sales Group, LLC; and Global Mining Holding Company, LLC**
7. John W. Edwards, Esq.  
EDWARDS, FRICKLE & CULVER  
1648 Poly Drive, Suite 206  
Billings, MT 59102  
**Attorney for Plaintiff and Counterclaim Defendants Signal Peak Energy, LLC; FirstEnergy Corp.; FirstEnergy Ventures Corp.; FirstEnergy Generation Corp.; Boich Companies, LLC; WMB Marketing Ventures, LLC; Global Coal Sales Group, LLC; and Global Mining Holding Company, LLC**

8. Bruce A. Americus, Esq.  
BUCHANAN INGERSOLL & ROONEY PC  
One Oxford Centre, 20th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
**Attorney for Plaintiff and Counterclaim Defendants Signal Peak Energy, LLC; FirstEnergy Corp.; FirstEnergy Ventures Corp.; FirstEnergy Generation Corp.; Boich Companies, LLC; WMB Marketing Ventures, LLC; Global Coal Sales Group, LLC; and Global Mining Holding Company, LLC**

9. Matthew F. Burger, Esq.  
BUCHANAN INGERSOLL & ROONEY PC  
One Oxford Centre, 20th Floor  
301 Grant Street  
Pittsburgh, PA 15219  
**Attorney for Plaintiff and Counterclaim Defendants Signal Peak Energy, LLC; FirstEnergy Corp.; FirstEnergy Ventures Corp.; FirstEnergy Generation Corp.; Boich Companies, LLC; WMB Marketing Ventures, LLC; Global Coal Sales Group, LLC; and Global Mining Holding Company, LLC**

/s/ James H. Goetz  
GOETZ, GALLIK & BALDWIN, P. C.

cc: Hon. Richard F. Cebull, U. S. District Judge  
Montana U. S. District Court, Billings Division  
James F. Battin Federal Building  
316 N. 26<sup>th</sup> Street, Room 5428  
Billings, MT 59101